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February 25, 2002

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FEB 25 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Mr. William Caton  
Acting Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

RE: Notice of *Ex Parte* Presentation

- Biennial Regulatory Review – Part 90, Private Land Mobile Radio Services, WT Docket No. 98-182 ("Biennial Review")
- Implementation of Sections 309(j) and 337 of the Communications Act of 1934, As Amended, WT Docket 99-87 ("BBA Implementation")

Dear Mr. Caton:

The American Automobile Association ("AAA") made an *ex parte* presentation on Friday, February 22 with respect to the above-referenced proceedings. We met with John Borkowski, Jeanne Kowalski, Gary Michaels, and Scot Stone, of the Wireless Telecommunications Bureau's Public Safety and Private Wireless Division. In addition to my colleague Michele Farquhar and me, AAA was represented by Kathleen Marvaso, Director of Government Affairs.

The purpose of the meeting was to inquire as to the status of the Commission's consideration of the proceedings listed above. We also discussed AAA's positions in the respective proceedings, as presented in the attached handout. In addition to the attached handout, we also distributed a pamphlet containing general information on AAA, and AAA filings in connection with the referenced proceedings (previously submitted for the respective dockets).

With respect to AAA's petition for reconsideration or clarification of the BBA Implementation order, we discussed the concept of the Commission setting aside specific auction-exempt spectrum bands for quasi-public safety entities such as AAA, without foreclosing the opportunity for such an entity to participate in an auction, should it so desire. We also suggested that the auction exemption specified by Section 309(j)(2)(A) of the Communications Act of 1934, as amended, would require that the Commission provide: (i) a new spectrum band for a quasi-public

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safety entity should the agency decide to (or be required to by Congress) conduct an auction of spectrum presently held by a quasi-public safety entity such as AAA, and (ii) a mechanism to compensate a quasi-public safety entity required to move to new spectrum under this scenario.

Pursuant to Section 1.1206(b)(1) of the Commission's rules, I am filing one original (with attachments) and four copies (with attachments) of this notice. In addition, I am sending one copy of this notice to the meeting participants listed below. Please contact me with any additional questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Angela E. Giancarlo". The signature is fluid and cursive, with a large initial "A".

Angela E. Giancarlo  
Counsel for American Automobile Association

Attachments

cc: John Borkowski  
Jeanne Kowalski  
Gary Michaels  
Scot Stone

# American Automobile Association

## FCC Meetings

*February 2002*

## Introduction and Background

### AAA's Services

- AAA, a not-for-profit federation of over 70 motorist clubs in the U.S., is celebrating its 100th Anniversary this year.
- AAA has a long history of working closely with federal, state, and local governments and agencies for the benefit of the American motorist.
- AAA's service vehicles have provided invaluable assistance to motorists since 1915. AAA handles 29 million calls for assistance annually.

# Introduction and Background

## AAA's Services

*continued*

- Today, through development of a state-of-the-art telematics system, AAA is striving to provide members with access to emergency road services, information, and security wherever and whenever they need it.

## AAA is a Private Wireless Spectrum Licensee and User

- Both Congress and the Commission have recognized AAA's role as a quasi-public safety provider due to its provision of emergency road services and the important public safety function it provides.
- AAA uses private radio spectrum to stay in constant contact with its service vehicles around the country - vital to its critical role.
- AAA is a frequency coordinator for the Automobile Emergency Radio Service ("AERS") frequencies.

## AAA's Request in Connection with the Part 90 Biennial Review Proceeding

- Background. The current Part 90 rules designate 30 frequencies for shore-to-vessel communications (the “Dockside channels”). In July 2000, the Commission permitted use of these channels for low power voice and non-voice operation for both cargo handling purposes and non-cargo operations. In connection with that ruling, the Commission has sought further comment on AAA’s proposal to eliminate the power restriction for eight of the frequencies and make AAA the sole coordinator of these frequencies.

## AAA's Request in Connection with the Part 90 Biennial Review Proceeding

*continued*

- AAA's Request (FNPRM Proposal):
  - (1) Removal of the 2-watt power restriction on eight of the 30 Dockside channels (to permit pairing these channels with AERS channels); and
  - (2) Designation of AAA as the frequency coordinator only for those situations where AERS and high power Dockside channels are paired.

## AAA's Request in Connection with the Part 90 Biennial Review Proceeding

*continued*

- AAA has worked closely with industry and the Bureau staff over the past 14 months to refine and more narrowly-tailor its position (to designate AAA as the frequency coordinator where AERS and high power dockside channels are paired).
- Public Interest Benefits. Granting AAA's request will service the public interest in three important ways:
  - (1) more efficient use of AERS spectrum;
  - (2) protection of existing AERS channels; and
  - (3) allow all Industrial/Business Pool users to benefit from the expanded ability to use and pair the eight Dockside channels.

## AAA's Petition for Reconsideration or Clarification Auction Exemption Pursuant to Section 309(j)

- AAA has asked the Commission to clarify that Section 309(j)(2)(A) exempts classes of users, rather than only certain blocks of spectrum, from auction.
- The Commission should effectuate congressional intent by confirming that AAA and all private radio spectrum users that fall within the congressional exemption are auction-exempt, regardless of the spectrum band or bands they use to provide their critical services.

## AAA's Potential Contributions to the Commission's Agenda

- In its role as a quasi-public safety entity, AAA is actively engaged on many issues of interest to the Commission -- public safety and security issues, telematics, and E-911 implementation.
- AAA stands ready to provide input and share our expertise as part of the Commission's ongoing effort to educate its staff.